

Jan 24, 2011	Discovery deadline – claim construction issues
Jan. 28, 2011	Parties to Exchange Privilege Logs per Discovery Order
Feb. 18, 2011	Parties to inform Court if the Parties have no disputes regarding privileged documents
Feb. 7, 2011	Comply with P.R. 4-5(a)
Feb. 21, 2011	Comply with P.R. 4-5(b)
Feb. 28, 2011	Comply with P.R. 4-5(c)
Mar. 11, 2011	Parties to comply with P.R. 4-5(d)
Mar. 23, 2011	Claim construction hearing 9:00 a.m., Marshall, Texas
	21 days after claim construction ruling: Parties with the burden of proof to designate expert witnesses on issues including damages but not including claim construction; Expert witness report(s) due. Refer to Discovery Order for required information.
	21 days after claim construction ruling Comply with P.R. 3-7 (willfulness)
	35 days after claim construction ruling Parties without burden of proof to designate rebuttal expert witnesses on issues other than claim construction; Rebuttal expert witness reports due.
Apr. 20, 2011	Mediation to be completed
May 31, 2011	Discovery Deadline
June 6, 2011	Deadline for filing Dispositive Motions related to patent issues and any other motions that may require a hearing (including <i>Daubert</i> motions)
June 27, 2011	Plaintiffs to Identify Trial Witnesses
June 30, 2011	Response to Dispositive Motions (including <i>Daubert</i> motions) ¹ Responses to dispositive motions related to patent issues filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56
July 1, 2011	Defendants to Identify Trial Witnesses

¹ The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has 12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(d), in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

July 1, 2011	Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict
July 5, 2011	Motions In Limine Due The Parties are ordered to meet and confer on their respective motions <i>in limine</i> and advise the court of any agreements in this regard by 3:00 p.m. the business day before the pretrial conference. The parties shall limit their motions <i>in limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s)
July 8, 2011	Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceeding is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter.
July 15, 2011	Pretrial Conference - <u>9:30</u> a.m. in Marshall, Texas
Aug. 1, 2011	Jury Selection – 9:00 a.m. in Marshall, Texas

SIGNED this 25th day of May, 2010.



CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.